

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Tanaka Birdo,

Case No. 20-cv-1925 MJD/ECW

Plaintiff,

v.

ORDER

Dave Hutchinson et al.,

Defendants.

Based upon the Report and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated July 28, 2021, all the files and records, no objections having been filed to said Report and Recommendation in the time period permitted, and the Court's independent review of the record and the Report and Recommendation, **IT IS HEREBY ORDERED** that

1. The Court **ADOPTS** the Report and Recommendation of Magistrate Judge Wright dated July 28, 2021 [Docket No. 51];
2. Defendant Dave Hutchinson's Motion to Dismiss [Docket No. 25] is **GRANTED**;
3. Defendant Jocelyn RN's Motion to Dismiss [Docket No. 31] is **GRANTED**; and
4. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: August 24, 2021

s/Michael J. Davis

MICHAEL J. DAVIS
United States District Judge